

REMARKS*Claim Rejections - 35 USC § 102 and 103*Independent claims

Independent claims 10, 59, 108, 125, 142, 146, 148, 152,
5 156, 158, 160, and 164 were rejected as being anticipated by
Brendzel et al. Cited for the rejection of these claims were
Brendzel, column 1, lines 50-59 and column 3, lines 6-22. As
these sections of Brendzel were also cited for the rejection of
many of the dependent claims, these are reproduced below in their
10 entirety.

Column 1, lines 50-59 states (emphasis added):

"In accordance with the principles disclosed
herein, the number of times that a subscriber is forced
to add an area code to his or her dialing sequence is
15 substantially reduced by allowing calling parties to
dial without including the area code, *by analyzing the
called party number relative to the calling party, and
by resolving ambiguities in the called number based on
that analysis.* This analysis includes, but is not
20 limited to, *taking account of the calling pattern of
the calling subscriber, and taking account of the
distance between the calling and the called parties."*
Similarly, column 3, lines 6-22 states (emphasis added):

"FIG. 2 presents a flow chart of the processes
25 carried out in the telephone central office in
connection with the principles disclosed herein. The
digits dialed by subscriber A are received in block 10,

flag 1 is set to 0 in block 20, and control passes to block 11 where the digits sequence is analyzed. When the digits sequence includes an area code designation, control passes to block 16. Otherwise, control passes to block 12. Block 12 searches through the database of numbers called by subscriber A. When the digits sequence is found in the database, control passes to block 13; otherwise, control passes to block 15 which performs a distance analysis. When control passes to block 15, indicating that the digits sequence was not found in the database, flag 1 is set to 1 in block 21. When control passes to block 13, block 22 sets flag 1 to 2, 3, or 4, depending on whether the digits sequence is found in portion A, B, or C of the database, respectively."

It is very clear from the foregoing, that examiner's rejections cannot be sustained. Applicant's claim 10, for example, recites "designating a destination area code" and "causing said call to be signaled using the designated destination area code." Applicant's claim 108, for another example, recites "associating a plurality of area code selectors with a plurality of area codes" and "the user selecting one of said area code selectors and thereby selecting its associated area code" and "causing said call to be signaled using the selected area code." Similar language is to be found in all other independent claims.

Brendzel does not in any way disclose or suggest designating

a destination area code and using that pre-designated area code to signal a call. Nor does Brendzel disclose or suggest associating area code selectors with area codes, selecting one of those associated area codes, and using that pre-selected area
5 code to signal a call.

Quite to the contrary, Brendzel teaches away from applicant's invention, disclosing a system which requires a database of calls that a user has made in the past, and a geographic database from which distances can be computed, all in
10 an effort to "analyze" the number dialed to determine the area code to which the user *might* wish to signal the call. In applicant's invention, *there is no doubt or ambiguity* regarding to which area code a call is to be placed: If a destination area code has been designated and only seven digits have been dialed,
15 then that call is placed to that area code. If an area code selector has been selected, then a call is placed to that area code. The user's wishes are 100% certain. No analysis using a "database of numbers called by [the] subscriber" is required or utilized. No "distance analysis" is required or utilized. There
20 is no guesswork. The system is extremely simple, and it requires none of the database or processing capacity required by Brendzel.

At no point, and in no manner, does Brendzel in any way so much as hint at simplifying his invention so that certain area codes are designated or selected to be given a *priori* priority by the
25 user, to be used as the certain basis for signaling calls. All throughout Brendzel, all that is disclosed and suggested pertains to rather extensive analysis of the seven digit number that is

dialed in relation to the call history of the user, geographic locations of exchange numbers, and related data, in order to figure out to where the user might wish to place a call. This very much teaches away from applicant's much simplified system.

5 As already stated, Brendzel does not in any way disclose or suggest the subject matter recited in applicant's independent claims. It is important to further point out that applicant sees no reasonable way of construing the independent claims already presented, so as to read on Brendzel.

10 Nonetheless, so as to expedite prosecution of this case toward allowance, and *without prejudice* to applicant's right to revisit this question in future filings, applicant has amended all of the independent claims herein to avoid any possible assertion that they might in any way be construed to read on
15 Brendzel.

Specifically, all of the independent claims are amended to specify that the call is signaled "without analyzing said . . . telephone number in relation to telephone numbers previously dialed by the user." If there is any question about the claims
20 reading on Brendzel, this amendment should lay those questions to rest, because the heart of Brendzel's disclosure is based on precisely this type of analysis of previously called numbers, which applicant's system completely avoids. In fact, all that applicant needs to do is determine *how many digits* were dialed.
25 Brendzel needs to examine *the particular set of digits* which were dialed, and then engage in extensive analysis to try to figure out which area code might be intended.

As such, applicant respectfully requests allowance of all independent claims at this time.

Dependent claims

5 In light of the foregoing, all of the dependent claims are also allowable, at least by virtue of their dependency on independent claims 10, 59, 108, 125, 142, 146, 148, 152, 156, 158, 160, and 164, and also, by virtue of other points of patentable distinction which they recite. While the need to
10 discuss each of these claims is thereby rendered moot, is it important to state for the record that most if not all of the dependent claim rejections are based on the same passages of Brendzel, set forth earlier, which were used in the independent claim rejections, and fail for similar reasoning. Other portions
15 of Brendzel which are also cited to reject various dependent claims are discussed below.

 In point 4 and others, examiner also cites column 2 line 53 through column 3 line 5 (the remainder of the point 4 citation was already reproduced and discussed above), which state that
20 (emphasis added):

 "For purposes of the calling patter [sic]
analysis, the telephone central office *maintains a small database* (i.e, a table) for subscriber A. (This database can also be in a central Network Control
25 Processor (NCP), or in a PBX--if subscriber A is behind a PBX.) Each entry in the table illustratively has the format ##STR1## and the table entries are segregated

into portions A, B, and C. Portion A includes parties specified by subscriber A, portion B includes parties where the associated weight is the controlling element (as described in more detail below), and portion C includes parties where the date field is important (also described below). Thus, *the database for subscriber A may include, for example, 10 numbers specified by subscriber A, 20 other different numbers that were dialed more often than all other numbers, and a maximum of 20 other numbers that were dialed in the last three days.*"

This passage relates wholly to providing details about the database which Brendzal employs for the purpose of deciding the area code to which a call is to be signaled. There is nothing in any of applicant's claims to which this passage is at all pertinent, because applicant's invention does not at all rely on analyzing previous calls.

In point 7 and others, examiner cites column 3 lines 23-34 which state (emphasis added):

"The results of the distance analysis in block 15 (the analysis algorithm is described in detail below) is a telephone number (including an area code) which is applied to block 16. In block 13, the number found in the database is retrieved, with the area code included, and control passes to block 14. Block 14 directs the process flow based on the value of the flag 1. When flag 1=2 (i.e., the number is in portion A), control

passes to block **17** where the number presented is dialed. Otherwise, control passes to block **16.**"

This provides detail about how Brendzel's distance analysis algorithm is employed, and it is not at all pertinent to any of applicant's claims. In fact, this passage teaches away from applicant's invention, which fundamentally avoid the need for any such analysis.

In point 14 and others, examiner cites column 4 lines 32-42 which state (emphasis added):

10 "Once block **12** searches for a match between the number received by block **10** and the numbers residing in the database, there is really no specific limitation that the comparison needs to be one between the 7 digits of the dialed sequence and the last 7 digits of the numbers stored in the database. For example, in
15 present when the central office receives less than 7 digits within a prescribed time period, the connection attempt is abandoned and an error signal is generated. In accordance with the instant disclosure, *use of less
20 than 7 digits can be employed to provide an abbreviated dialing feature.*"

25 All that this passage appears to disclose, is that Brendzel's system, which is centered around the analysis of various databases (call history, distance, etc.) to figure out the correct area code, might be applied even when less than seven digits are dialed. It is not clear how this is at all pertinent to any of applicant's claims.

In point 24 and others, examiner cites Fig. 1 and column 2 lines 21-48 which state, in conclusion at lines 43-48 (emphasis added):

5 ". . . even a cursory look at the calling pattern of subscriber A will quickly reveal that, in most likelihood, when subscriber A dials the 7 digits that correspond to parties C and D, *the intended called party is party C (in a foreign area code) and not party D (in the local area code).*"

10 This too, relates to discussion of how Brendzel's system makes use of the information analyzed from its various databases. And, in fact, examiner misapplies this, because in the example cited, the destination area code is intended to be *not the same* as the originating area code.

15 Column 2, lines 1-9, cited in point 26 and others, states:

20 "As indicated above, the current dialing arrangement in the US allows subscribers to dial a number without specifying the area code. When so dialed, the telecommunication switch that receives the dialed digits assumes that the dialed number is within the area code, and connects the call accordingly. If the dialed exchange does not exist in the local area code, an error message is delivered to the calling subscriber."

25 This is just a statement about how the U.S. phone system works; its relationship to applicant's claims is totally unclear. Point 31 and others, cite column 5, lines 1-16, which state

(emphasis added):

“It must be recognized that *a measure of ambiguity remains* and, in a sense, increases when one permits subscribers to mostly avoid using the area code. To avoid being connected to the wrong party, the database kept by the central office can be increased to include the name of the party that corresponds to the telephone number of each entry. With such information stored, it is quite simple to provide subscriber A with an opportunity to confirm his or her selection. That is, after dialing a number without an area code, if that number is stored in the database, block 17 outputs to subscriber A the announcement “John Williams is being called. If that is not the party you wish to reach, press 1”. Thereafter, perhaps after a preselected delay, subscriber A would get a ring-back signal, and connection is attempted to the number specified by the above-described process, unless subscriber A pressed 1. In such an event, it is assumed that subscriber A did, indeed, wish to be connected to the dialed number within the local area code. One might even offer subscriber A the option to not be given the announcement when the weight factor is above a certain level. To effect this feature, the weight factor needs to be retrieved in block 13 and forwarded to block 17.”

The foregoing teaches how to “resolve ambiguity” and “avoid being connected to the wrong party” precisely because Brendzel

does not simply designate a destination area code and use that pre-designated area code to signal a call, or associate area code selectors with area codes, select one of those associated area codes, and use that pre-selected area code to signal a call, as
5 does applicant. There is no such ambiguity to be resolved in applicant's invention as claimed, and no need for such measures to resolve ambiguity. Area codes are designated and/or selected, and the desired routing of the call is determined with certainty, and without guesswork or analysis of the particular number being
10 dialed.

Veschi, which was combined with Brendzel to issue a 35 USC §103 rejection, pertains to speed dialing generally, and to updating information in a speed dial system in particular. There is nothing in either patent which discloses, suggests or
15 motivates a combination with the other, and in any event, this rejection is moot in light of the foregoing remarks and claim amendments, and the dependent status of all the claims to which Veschi has been applied.

Additionally, Veschi's earliest priority appears to be March
20 30, 1998, while applicant is claiming benefit dating back to U.S. 60/047,747 filed May 28, 1997. Therefore, applicant also questions in the first instance, the availability of Veschi as prior art against this present application.

Consequently, all dependent claims should be allowable,
25 based on the remarks herein even absent any claims amendments, based on their dependency upon the amended independent claims, and based on their own further points of patentable distinctness.

New Claims

New claims 166 through 169 find support, for example, in column 8, lines 10-15 of applicant's U.S. Patent 6,061,443, which states: "A few seconds after 7 digits have been entered, a recorded message could play that would give instructions on how to input the 8th digit--for 818 area code--enter 0, for 626 area code --enter 1,' etc. After a few more seconds it might say 'at the tone, your call will default to the 818 area code . . . beep'."

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Conclusion

Based on the foregoing all claims are allowable over all prior art of record, and applicant respectfully request allowance of all claims and looks forward to a notice of allowance in the near future.

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Respectfully submitted,



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